

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
MARC WEILL, TOM GROOS and JOSH COHEN,

Plaintiffs,

07 Civ. 6246 (BSJ)

– against –

EARTH BIOFUELS, INC.,

Defendant.
-----x

**NOTICE OF DISMISSAL
PURSUANT TO RULE
41(a)**

PLEASE TAKE NOTICE that, pursuant to Rule 41(a)(1)(i) of the Federal Rules of Civil Procedure, Plaintiffs Marc Weill, Tom Groos and Josh Cohen, by and through their attorneys, Emery Celli Brinckerhoff & Abady LLP, hereby voluntarily dismiss the above-referenced action without prejudice.

Dated: New York, New York
January 22, 2008

EMERY CELLI BRINCKERHOFF
& ABADY LLP

By: /s/
Sarah Netburn (SN 4223)

75 Rockefeller Plaza
New York, New York 10038
(212) 763-5000

Attorneys for Plaintiffs

SO ORDERED
Dated:

 Barbara S. Jones
BARBARA S. JONES
U.S.D.J.

2/5/08

